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EXAMINER

NGUYEN, TRONG NHAN P

ART UNIT	PAPER NUMBER
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2152

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DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,301

Applicant(s)

AL-KAZILY ET AL.

Examiner

Jack P Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/21/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-20 are being examined.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Location Based Wireless Network Information Delivery.

Claim Rejections – 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5-11, 13-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagendran, 6,731,940 (hereafter Nagendran).

5. As per claim 1, Nagendran teaches a method for delivery of information to a destination in a communications network based on the physical location of a transmitter, comprising:

determining physical location of a transmitter based on signals transmitted by the transmitter to one or more communications networks (abstract, col. 2, lines 26-40);
identifying an electronic account in said one or more communications networks based on said signals (C3, L14-38; C5, L31-39. *This is an inherent feature of Nagendran because when the user of a mobile device sends a request for local information to a local information provider (server) on the network, the information provider verifies whether the user is a subscriber to the services requested then sends the customized information back to the user of the mobile device*);

determining a communications network address that best matches said physical location (C4, L55-67; C5, L31-50);

forwarding information relating to said electronic account to said communications network address (C3, L24-31).

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6. As per claims 2 and 8, Nagendran teaches the methods of claims 1 and 5, wherein signals transmitted by the transmitter are forwarded to a first communications network (fig. 1, element 10, C5, L30-35).

7. As per claims 3 and 10, Nagendran teaches the methods of claims 2 and 5, wherein the electronic account is identified in a second communications network (F2, E23, C5, L31-46. *The request for information is forwarded from the base station (Cellular Communication Network – first network) to the information provider (server) that is connected to a Network (see F1, second network) for verification & authentication. Once the request has been verified and authorized by the information provider, the information provider sends the requested data back to the user of the mobile device.*)

8. As per claim 5, Nagendran teaches a method for delivery of information to a destination in a communications network based on the physical location of a mobile unit, comprising:

determining physical location of a mobile unit based on signals transmitted by the mobile unit to a first communications network (abstract, F1, E10, C4, L55-67; C5, L31-39. *See related information in section 7 above*);

submitting a request to a second communications network to forward information relating to an electronic account to a network address (F2, E23, C5, L31-46. *See related information in section 7 above*);

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the electronic account and the network address being determined based on said signals (abstract, C3, L23-31; C5, L31-50. *See related information in section 7 above*).

9. As per claims 6 and 19, Nagendran teaches the methods of claims 5 and 18, further comprising: in response to the request, forwarding information relating to the electronic account to the network address (C3, L24-31; C5, C31-50. *See related information in section 7 above*).

10. As per claim 7, Nagendran teaches the method of claim 6, further comprising: delivering the information forwarded to the network address to a point of delivery (C3, L29-38).

11. As per claim 9, Nagendran teaches the method of claim 8, wherein the mobile unit is a cellular telephone (F1, E11, C4, L55-64).

12. As per claim 11, Nagendran teaches the method of claim 10, wherein the computer network includes a server for servicing the submitted request for the electronic account (F1, E15, C5, L31-56. *See related information in section 8 above*).

13. As per claim 13, Nagendran teaches the method of claim 10, wherein the network address is determined by finding the best match between the network addresses available at or near the physical location (C5, L33-43).

14. As per claim 14, Nagendran teaches the method of claim 13, wherein the network address is the IP address of a server at or near the physical location (C3, L14-38; C5, L31-56). *This is an inherent feature of Negendran because when the request from the mobile device is sent to local information server (F1, E15). The local information server then customizes the requested information and sends it back to the user or to a local physical device (such as an electronic billboard or printer) for display. All servers on a network must have IP addresses associated to them to allow the servers to communicate with a plurality of electronic devices connected on the network).*

15. As per claim 16, Nagendran teaches the method of claim 7, wherein the point of delivery is a printer server (C3, L29-35).

16. As per claim 17, Nagendran teaches the method of claim 7, wherein the point of delivery is a device that can display the information (C3, L29-35).

17. As per claim 18, Nagendran teaches a system for delivering electronic information to an address in a computer network, based on the physical location of a cellular transmitter, said system comprising:
logic code configured for execution by a processor, wherein execution of the code can cause the system to perform the following acts (abstract, C2, L13-25):

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determine the physical location of a cellular transmitter based on signals transmitted by the transmitter (abstract, C2, L26-40);

identify an electronic account based on said signals (C3, L14-38; C5, L31-39. *See related information in section 5 above*);

locate a network address that best matches the physical location (C3, L14-38; C5, L31-39. *See related information in section 5 above*);

submit a request to a server servicing the electronic account to forward electronic information stored on the server for the account to the network address (C3, L14-38; C5, L31-50. *See related information in section 5 above*).

18. As per claim 20, Nagendran teaches the system of claim 19, wherein said requested information includes electronic messages (F1, E12, C5, L31-56; C6, L17-23. *See related information in section 8 above*).

Claim Rejections – 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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20. Claims 4, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagendran in view of Tari et al, 6,704,295 (hereafter Tari).

21. As per claims 4, 12, and 15, Nagendran does not explicitly show the methods of claims 3 and 6 wherein the information forwarded includes electronic mail messages associated with the electronic account and an email server to deliver email messages.

Tari shows an email system that is used to send email messages to an electronic account on a mobile device (F2, E108-3, E107-3, C7, L32-49).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Nagendran by including an email system to deliver email messages to users on mobile devices in view of Tari (F2, E108-3, E107-3, C7, L32-49). One of ordinary skill in the art would have been motivated to combine the teachings of Nagendran and Tari to allow information providers to send customized information to mobile users using an email system that can incorporate a variety of different attachments (advertisements and other pertinent data) to the email messages.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Method and Apparatus for Distributing Location-Based Messages in a Wireless Communication Network – Baker, 6,505,046 – process and network processes a mobility origination message, derives the subscriber's location and constructs a set of coupons or advertisements based on that location, for that subscriber, and at that particular time.
- Method Of and Apparatus for Topologically Based Retrieval of Information – Lopke, 6,553,310
- Mobile Communications System and Mobile Terminal Therefor With Capabilities to Access Local Information Resources – Kariya, 6,169,897 – a mobile communications system which provides a mobile subscriber with local information related to the area where his/her mobile terminal is located.
- System for Dynamically Pushing Information to a User Utilizing Global Positioning System – Miller et al, 6,741,188 – system is provided for directing region-specific information. System locates and transmits information to location-specific users.
- Method and System For Analyzing Advertisements Delivered to a Mobile Unit – Hendrey et al, 6,647,269 – accurate location information about a mobile communication transceiver is used to generate advertising content responsive to a user approaching the location of a business.

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23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (703) 605-4299. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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